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*Attorneys for Defendants Nutanix, Inc.,
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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

IN RE NUTANIX, INC. SECURITIES
 LITIGATION

CASE NO.: 3:19-cv-01651-WHO
 CASE NO.: 3:21-cv-04080-WHO

**STIPULATION AND ~~PROPOSED~~
 ORDER VACATING HEARING ON
 MOTION TO DISMISS DUE TO
 PRELIMINARY SETTLEMENT
 AGREEMENT**

JOHN P. NORTON, ON BEHALF OF THE
 NORTON FAMILY LIVING TRUST UAD
 11/15/2002, and on behalf of all others similarly
 situated,

Plaintiff,

v.

NUTANIX, INC., DHEERAJ PANDEY, and
 DUSTON M. WILLIAMS,

Defendants.

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1 Plaintiffs California Ironworkers Field Pension Trust, City of Miami Fire Fighters' and
2 Police Officers' Retirement Trust, and John P. Norton, on behalf of the Norton Family Living
3 Trust UAD 11/15/2002 (collectively, "Plaintiffs") and Defendants Nutanix, Inc., Dheeraj Pandey,
4 and Duston M. Williams (collectively, "Defendants," and together with Plaintiffs, the "Parties")
5 by and through their respective counsel, hereby stipulate as follows:

6 **WHEREAS**, on February 9, 2023, the Parties reached an agreement in principle to settle
7 this action following continued discussions with their retained mediator, retired United States
8 District Judge, the Hon. Layn R. Phillips;

9 **WHEREAS**, the Parties intend work in good faith to finalize the non-monetary terms of
10 settlement and Plaintiffs intend to file a motion to preliminarily approve the proposed settlement
11 (including all necessary related papers) as soon as reasonably practicable;

12 **WHEREAS**, the hearing on Defendants' Omnibus Motion to Dismiss is currently set for
13 February 15, 2022; and

14 **WHEREAS**, the Parties have met and conferred and agree, subject to the Court's approval,
15 that in light of the agreement in principle to settle this action, and to promote efficiency and
16 conserve judicial and party resources, the hearing on Defendants' Omnibus Motion to Dismiss
17 should be vacated or adjourned *sine die* and all case deadlines shall be vacated to allow the Parties
18 to finalize settlement.

19 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between
20 the Parties and their counsel, subject to the Court's approval, as follows:

21 1. The hearing on Defendants' Omnibus Motion to Dismiss, currently set for February
22 15, 2023, is vacated; and

23 2. The Parties shall provide a further update to the Court regarding the status of
24 settlement, including the anticipated schedule for Plaintiffs' motion for preliminary approval of
25 settlement, by March 9, 2023.

26 **IT IS SO STIPULATED.**
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1 DATED: February 9, 2023

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

2 /s/ Nina F. Locker

3 NINA F. LOCKER

4 Nina F. Locker (SBN 123838)
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18 *Attorneys for Defendants Nutanix, Inc.,*
19 *Dheeraj Pandey, and Duston M. Williams*

14 DATED: February 9, 2023

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15 /s/ Stephen R. Astley

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Ironworkers Field Pension Trust and Plaintiff City
of Miami Fire Fighters' and Police Officers'
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DATED: February 9, 2023

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/s/ Shannon L. Hopkins

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*Lead Counsel for Lead Plaintiff John P. Norton,
on behalf of the Norton Family Living Trust UAD
11/15/2002, and Additional Counsel for Plaintiff
City of Miami Fire Fighters' and Police Officers'
Retirement Trust*

[PROPOSED] ORDER

Pursuant to the Parties' stipulation, **IT IS SO ORDERED.**

DATED: February 10, 2023 _____



THE HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE

ATTESTATION PURSUANT TO LOCAL RULE 5-1(h)(3)

I, Nina F. Locker, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Vacating Hearing On Motion To Dismiss Due To Preliminary Settlement Agreement. In compliance with Local Rule 5-1(h)(3), I hereby attest that all signatories to this document concur in its content and have authorized this filing.

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

/s/ Nina F. Locker

NINA F. LOCKER